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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,169	06/16/2000	Steven A Sunshine	18564-003610US	2166

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EXAMINER

TSAL, CAROL S W

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,169

Applicant(s)

SUNSHINE ET AL.

Examiner

Carol S Tsai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 19-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this **National Stage** application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-8, 10, 11 and 19-25 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Publication 2002/0005580 to Goodman et al.

With respect to claims 1, 7, 8, 10, 11, 19, and 24, Goodman et al. disclose a distributed sensing system in a networked environment (see paragraph 0043) for identifying (see Abstract, lines 1-2 and paragraphs 0009 and 0047), the system comprising: a first sensor array connected to the network comprising sensors capable of producing a first response in the presence of a chemical stimulus (see paragraph 0079); a second sensor array connected to the network

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comprising sensors capable of producing a second response in the presence of a physical stimulus (see paragraphs 0056 and 0080); a computer connected to the network (see paragraphs 0043 and 0134); a computer readable algorithm for execution by the computer for identifying the analyte, the computer readable algorithm comprising instructions for comparing the first response and the second response with a known response, and instructions for identifying an unknown analyte (see paragraphs 0069; 0079; and 0133-0135)

With respect to claims 23 and 25, Goodman et al. also disclose a distributed sensing system in a networked environment (see paragraph 0043) for identifying an analyte (see Abstract, lines 1-2 and paragraphs 0009 and 0047), the system comprising: a first sensor array connected to the network comprising sensors capable of producing a first response in the presence of a chemical stimulus (see paragraph 0079) in which the first sensor is connected with the network via a wireless connection (see paragraph 0043); a second sensor array connected to the network comprising sensors capable of producing a second response in the presence of a physical stimulus (see paragraphs 0056 and 0080); a computer connected to the network (see paragraphs 0043 and 0134); a computer readable algorithm for execution by the computer for identifying the analyte, the computer readable algorithm comprising instructions for comparing the first response and the second response with a known response, and instructions for identifying the unknown analyte (see paragraphs 0069; 0079; and 0133-0135).

As to claims 2 and 20, Goodman et al. also disclose algorithm selecting the most relevant sensor modality in the first and the second array to identify the analyte (see paragraph 0064).

As to claims 3, 5, and 21, Goodman et al. also disclose the sensor of the first array being a conducting/nonconducting regions sensor (paragraphs 0012 and 0082).

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As to claims 4, 6, and 22, Goodman et al. also disclose the sensor of the second sensor array being a thermal sensor (see paragraph 0080)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication 2002/0005580 to Goodman et al.

As noted above, Goodman et al. disclose the claimed invention, except for the wireless communication being implemented using radio wave technology.

The Examiner takes Official Notice that wireless communication being implemented using radio wave technology, is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Goodman et al.'s system to include wireless communication being implemented using radio wave technology, because with recently developed communication technologies and increasing communication needs, radio communication apparatuses such as cellular phones or PDAs (Personal Digital Assistants) with radio communication functions have become popular in order that cell phone can provide wireless data communication.

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Response to Arguments

6. Applicant's arguments with respect to claims 1-11 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

Contact Information

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. Tsai whose telephone number is (703) 305-0851. The examiner can normally be reached on Monday-Friday from 7:30 AM to 4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703) 308-1677. The fax number for TC 2800 is (703) 308-7382. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (703) 308-1782.

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 308-7382. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.

Carol S. Tsai

11/27/02

